

REMARKS

Reconsideration and further examination is respectfully requested.

Election/Restrictions

Claims 8-13 were restricted by the Examiner, as being drawn to an invention that is patentably distinct than that claimed. The Examiner states "... Claim 8 deals with monitoring a connection for dropped packets on the connection. None of these limitations were present in the originally presented claims..."

Applicants respectfully traverse the Examiner's restriction, and note that the previous claims, being more broadly drawn to a method of detecting congestion on a connection, include within their scope a method for monitoring for indication of dropped packets on a connection. Applicants respectfully submit that the claims are not drawn to two independent or distinct inventions, and do not believe that there would be a serious burden on the Examiner to examine the application as filed. Applicants have withdrawn the claims as required by practice, but urge the Examiner to reconsider this issue.

Drawings

Applicants have provided a replacement set of drawings with this response pursuant 37 C.F.R. §1.21(d) as requested. Figure 2 has been amended to change reference numeral 250 to the correct reference numeral 340.

Rejections under 35 U.S.C. §112, second paragraph

Claims 1, 3, 4 and 6 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have endeavored to amend the claims to overcome this rejection. For example, claim 1 has been amended to recite “...upon detection of the network congestion condition, controlling new traffic emitted *into the connection* to not exceed the lesser of a current amount of unacknowledged traffic emitted by the sender into the connection at a time of detection of the congestion condition, and a current receiver buffer size at that time...” Claim 3 has been amended to recite ‘fixed bandwidth.’ Claim 4 has been amended to recite ‘potential congestion’ and also to include ‘receive buffer size’ limitations. Claim 6 has been amended to correct antecedent problems with the term ‘sender.’ In view of these amendments it is requested that the rejections be withdrawn.

Rejections under 35 U.S.C. §102

Claim 4 was rejected under 35 U.S.C. §102(e) as being anticipated by Borella et al. Applicants claim 4, as amended, is patentably distinct over Borella, for at least the reason that Borella neither describes nor suggests “...upon detection of the congestion condition, controlling new traffic emitted into the connection *to be no more than the lesser of a current unacknowledged traffic load at the source node of the network at the time of detection and a receive buffer size of the receiving node ...*” Accordingly, it is requested that this rejection be withdrawn.

Conclusion:

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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